

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CHRIS ARMES, Individually
and on behalf of all others similarly situated

Plaintiff,

v.

Case No. 08-CV-243

KNIGHTS INN RACINE,

Defendant,

v.

RURAL MUTUAL INSURANCE COMPANY,

Intervenor Defendant.

PRELIMINARY APPROVAL ORDER

This matter coming before the Court on the joint request of plaintiff, defendant and intervening defendant Rural Mutual Insurance Company for preliminary approval of a Class Action Settlement Agreement and Release, and having considered the papers submitted to the Court and proceedings to date,

THE COURT FINDS AS FOLLOWS:

1. The parties have reached an agreement to settle all claims in the Litigation.
2. For purposes of settlement only, the Court preliminarily concludes that:
(a) the Settlement Class is ascertainable and sufficiently numerous such that joinder of all members of the Class is impracticable; (b) there exist common questions of law

and fact, including whether defendant's inclusion of more than the last five digits of credit and/or debit card numbers on consumer copies of electronically-printed receipts constitutes a violation of the Fair and Accurate Credit Transactions Act, 15 U.S.C. § 1681, et seq.; (c) the claims of plaintiff Chris Armes are typical of the Class Members' claims; (d) plaintiff Chris Armes is an appropriate and adequate representative for the Class and his attorneys, Lance A. Raphael, Stacy M. Bardo, Allison Krumhorn and Paul F. Markoff, are adequate and qualified to serve as Class Counsel; (e) common questions of law and fact predominate over any questions affecting only individual Class Members; and (f) a class action is the superior method for the fair and efficient adjudication of the claims of the Class Members;

3. The proposed settlement is within the range of fairness and reasonableness and meets the requirements for preliminary approval;

4. The notice to the Class proposed in the Settlement Agreement is the best practicable notice under the circumstances, is the only notice to the Class Members that is required and such notice satisfies the requirements of Fed. R. Civ. P. 23(c)(2)(B).

THEREFORE, IT IS HEREBY ORDERED:

A. That all defined terms contained herein shall have the same meanings as set forth in the Class Action Settlement Agreement and Release executed by the Parties and filed with this Court (the "Settlement Agreement");

B. That, pursuant to Fed. R. Civ. P. 23, the Class Action Settlement Agreement and Release is preliminarily approved;

C. That the following Settlement Class is certified pursuant to Fed. R. Civ. P. 23(b)(3):

All persons who made a credit or debit card payment to Malde Hospitality, Inc. d/b/a Knights Inn Racine in a transaction occurring between December 4, 2006 and June 27, 2007, as indicated by Malde Hospitality, Inc.'s records and for whom Malde Hospitality, Inc. has a name and last known address. Specifically, the Settlement Class is comprised of the individuals identified in Exhibit E attached to the Settlement Agreement.

D. That Lance A. Raphael, Stacy M. Bardo, Allison A. Krumhorn and Paul F. Markoff are hereby appointed as Class Counsel;

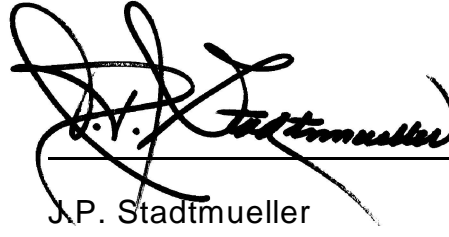
E. That notice be implemented pursuant to the terms of the Settlement Agreement, and Defendant's counsel shall submit, at least five (5) business days prior to the Fairness Hearing, an affidavit affirming that notice has been so given;

F. That Class Members shall have until **September 23, 2009**, to opt out or object to the proposed Settlement Agreement, and Class Counsel and Defendant's counsel shall have until five (5) business days prior to the Fairness Hearing to respond to objections, if any; and

G. That a Fairness Hearing on the fairness and reasonableness of the proposed Settlement Agreement shall be held before this Court on **October 9, 2009** at **11:00 a.m.**

Dated at Milwaukee, Wisconsin, this 25th day of June, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge